

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

STEVEN WILLIS,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:17-CV-2291 ERW
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. In the current motion to vacate, movant seeks relief from his post-conviction *Johnson* and *Mathis* proceedings<sup>1</sup>. See *Willis v. United States*, 4:15-CV-1275 ERW (E.D. Mo.). In his *Johnson* § 2255 motion, movant argues that he is entitled to relief from his classification as an Armed Career Criminal under 18 U.S.C. § 924e ("ACCA").

However, movant's *Johnson* post-conviction proceedings are currently stayed in this Court pending the decision by the Eighth Circuit Court of Appeals in *United States v. Naylor*, No. 16-2047 (8<sup>th</sup> Cir.). Because the action is stayed, movant's current § 2255 motion has been prematurely filed. As a result, the Court will dismiss this action without prejudice to refile after the Court rules on movant's *Johnson* post-conviction motion and his time for filing an appeal from that judgment passes.

Accordingly,

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<sup>1</sup>*Johnson v. United States*, 135 S.Ct. 2551 (2015) and *Mathis v. United States*, 136 S.Ct. 2243 (2016).

**IT IS HEREBY ORDERED** that movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED AND DISMISSED** without prejudice.

An Order of Dismissal will accompany this Order.

Dated this 24th day of August, 2017.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE